(1)

(3) CASR

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (C.G.)

M. A. No. 740 **OF 2003** Division Bench

(Memorandum of Misc.Appeal U/S 173 of M.V.Act.)

Between

Sodi Lakhma, S/o Sodi Deva, Mudia, Aged about 35 years, R/o Village Halbaras, P.S. Kuakonda, Tahasil & District Dantewada (C.G.)

P. R. No. 1292/03 Presented by Shri A.K. Dewangan dated 05.06.03

APPELLANT

AND

1. S.Rossaiya , S/o Shri Nagaiya, Harijan , Aged about 55 years , R/o Golapuri ,Vijaywada, P.S. One- town Vijaywada, Distt. Krishna , A.P. (Driver of Truck Bearing No. A.P. 16 U-/5845)

2. Smt. P. Shridevi, w/o shri Jagannath Raju, Aged about 40 years, R/o D.No. 75-4-31 R.S.T. Bhavanipuram , vijaywada- 12, Distt. Krishna , A.P. (Registered Owner of Truck Bearing No. A.P. 16U-/5845)

3.The Oriental Insurance Company Limited, Main Road Sadar Bazar, Jagdalpur, Distt.Bastar (C.G.)

4. Vijay Singh Chouhan, S/o Shri B.S.Chouhan,Aged about 30 years,R/o Village Chintalnaar, Tahasil Konta, Distt. Dantewada C.G.(Driverof Truck Bearing No. M.P.26-A/2554)

5.Jivan Lal Rathi ,S/o Nathmal Rathi , Aged about 37 years, R/o Main Road Sukma, Tahasil Konta, Distt. Dantewada,C.G. (Registered Owner of Truck Bearing No. M.P.26-A/2554)

6.United India Insurance Company, Near Anupama Talkies, Jagdalpur Distt. Bastar,C.G.

RESPONDENTS

MEMORANDUM OF APPEAL U/S 173 OF THE MOTOR VEHICLES ACT,1988 FOR ENHANCEMENT OF THE COMPENSATION AMOUNT.

Claim in Sum of :-Rs.- 11,00,00[illegible]
Awarded by Tribunal :-Rs.- 10,000/-
Valued :-Rs.- 10,90,000/-

HIGH COURT OF CHHATTISGARH: BILASPUR
(LOK ADALAT)

MISCELLANEOUS APPEAL No. 740 OF 2003

Appellant: Sodi Lakhma

Versus

Respondents: S. Rossaiya & others

(Arising out of Claim Case No. 74/2002)

3-2-2007

Shri Alok Dewangan, counsel for the appellant.

None for respondents No. 1, 2, 4, 5 & 6.

Shri J.M. Gairola, Divisional Manager, the Oriental Insurance Company Limited with Shri Ali Asgar, counsel for respondent No.3.

In terms of compromise, award is passed as below:-

1) In addition to compensation already awarded by the Tribunal, respondent No.3 shall pay Rs.30,000/- (Rupees thirty thousand only) to the appellant.
2) For disbursement and deposit in FDR, the Tribunal may pass appropriate orders.
3) The amount, if any, kept in deposit with Bank shall be payable under the orders of Tribunal in accordance with law.
4) Appellant shall be entitled to receive interest on the amount so deposited, if any.
5) In view of the above, appeal against respondents No.1, 2, 4, 5 and 6 stands dismissed.
6) Out of the above amount, Rs.300/- (Rupees three hundred only) shall be paid to counsel for the appellant directly by respondent No.3 towards counsel fee.
7) If the amount awarded is not deposited within a period of one month, the Insurance Company shall be liable to pay interest at the rate of 9% per annum thereafter.
8) Copy of the award shall be given to the parties free of cost.

Sd/-
V.K. Shrivastava
Judge -Lok Adalat
High Court of Chhattisgarh
Bilaspur

Sd/-
Member – Lok Adalat
High Court of Chhattisgarh
Bilaspur

Raju